

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

CITY OF BANGOR,)
Plaintiff)
v.) Civil No. 02-183-B-S
CITIZENS COMMUNICATIONS)
COMPANY,)
Defendant & Third)
Party Plaintiff)
v.)
BARRETT PAVING MATERIALS, INC. et al.,)
Third Party Defendants.)

ORDER ON DEFENDANT'S MOTION FOR LEAVE TO FILE OBJECTIONS

Before the Court is Defendant Citizens Communications Company's ("Citizens") Motion for Leave to File Objections to the City of Bangor's Composite Figure (Docket # 641). To the extent that the Court has considered twelve objections listed in Exhibit A to this Motion, the Motion is GRANTED IN PART. However, the Court will not allow any further filing or briefing on this issue.

The Court notes that Plaintiff similarly included objections to Citizens' "Bangor Landing Data Summary" (Ex. A to Docket # 634) in its Post-Trial Reply Brief (Docket # 639). The Court has given the same consideration to these objections as it has given to the objections attached to Citizens' Motion for Leave to File Objections.

In general, both Bangor's Composite Figure (Ex. A to Docket # 631) and the Bangor Landing Data Summary (Ex. A to Docket # 634) are summaries prepared by the parties in response to a request by the Court. To the extent the Court utilizes either exhibit in reaching its findings of fact and conclusions of law, it will do so only to the extent that the evidence admitted at trial supports what the Court finds in the summary. Anything not supported by the admitted evidence will be disregarded.

The Court is issuing this ruling on Citizens' Motion for Leave to File Objections in advance of the December 28th oral argument in order to aid the parties in their preparations. In short, the Court does not anticipate entertaining further oral argument specifically related to either Bangor's Composite Figure or Citizens' Bangor Landing Data Summary.

As just explained, Citizens' Motion for Leave to File Objections to Bangor's Composite Figure (Docket # 641) is hereby GRANTED IN PART and DENIED IN PART.

SO ORDERED.

/s/ George Z. Singal
Chief United States District Judge

Dated this 20th day of December 2005.